

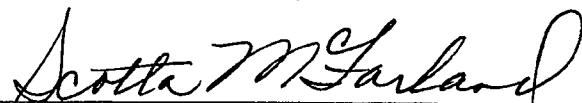
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)
	)
Fleming Companies, Inc., et al.	)
	)
DDB Limited Partnership,	)
	)
Appellant,	) C.A. No. 06-607(SLR)
	)
v.	)
	)
Post Confirmation Trust,	)
	) Bankruptcy Case No. 03-10945 (MFW)
Appellee.	) Bankruptcy Appeal No. 06-53

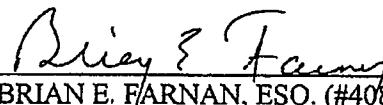
**STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Fed. R. Civ. Proc. 41(a)(1), Appellant and Appellee hereby stipulate to dismiss the above action with prejudice, each party bearing its own costs and expenses.

PACHULSKI, STANG, ZEHL, YOUNG,  
JONES & WEINTRAUB, LLP

  
LAURA DAVIS JONES, ESQ. (DE #2436)  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

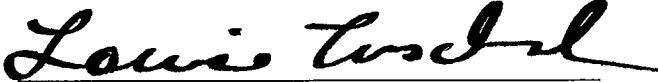
In re:	)	
	)	
Fleming Companies, Inc. et al.	)	
	)	
Debtors.	)	
<hr/>		
DDB Limited Partnership,	)	
	)	
Appellant,	)	
	)	C.A. No. 06-607(SLR)
v.	)	
	)	
Post Confirmation Trust,	)	Bankruptcy Case No. 03-10945(MFW)
	)	bankruptcy Appeal No. 06-53
<hr/>		
Appellee.	)	

**AFFIDAVIT OF SERVICE**

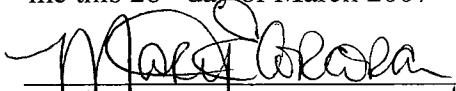
STATE OF DELAWARE	)	
	)ss	
COUNTY OF NEW CASTLE	)	

Louise Tuschak, being duly sworn according to law, deposes and says that she is employed by the law firm of Pachulski Stang Ziehl Young Jones & Weintraub LLP and that on the 28<sup>th</sup> day of March 2007, she caused a copy of the following document to be served upon the parties on the attached service lists in the manner indicated:

**1. Stipulation of dismissal with Prejudice.**

  
Louise Tuschak

Sworn to and subscribed before  
me this 28<sup>th</sup> day of March 2007

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 11/4/07

**MARY E. CORCORAN**  
Notary Public  
State of Delaware  
My Commission Expires Nov. 4, 2007

DDB Limited Partnership v. Post  
Confirmation Trust v  
Service List  
Case No. 06-607  
Document No. 111672  
01 - Hand Delivery

***Via Hand Delivery***

Brian E. Farman, Esquire.  
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